

**Appl. No.** : **10/042,128**  
**Filed** : **January 7, 2002**

## **REMARKS**

Claims 1-4, 6-12, 19-21, and 27-32 are pending in this application. Claim 33 has been cancelled as drawn to a nonelected invention. Claims 5, 13-18, 22-26, and 34 have been cancelled without prejudice.

### **Elections/Restrictions**

Applicants note that Claim 33 was withdrawn from consideration as drawn to a nonelected invention. Applicants have cancelled Claim 33 without prejudice. Applicants reserve the ability to pursue the cancelled claim, or similar claims, in one or more continuing patent applications.

### **Specification**

The specification has been objected to as incorrectly stating that Application No. 09/336,059 is a national phase application when in fact it is a continuation. The specification has been amended to correct this. Accordingly, Applicants respectfully request that the objection be withdrawn.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 22-26 have been rejected under 35 U.S.C. §112, first paragraph,. Although Applicants do not agree with the propriety of the rejection, Claims 22-26 have been cancelled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the cancelled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 13-18 have been rejected under 35 U.S.C. §112, second paragraph. Although Applicants do not agree with the propriety of the rejection, Claims 13-18 have been cancelled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the cancelled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

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**Statutory Double Patenting Rejection**

Claim 34 has been rejected under 35 U.S.C. §101. Claim 34 has been cancelled. The rejection is therefore moot.

**Obviousness-Type Double Patenting Rejection**

Claims 1-21 and 27-32 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,555,005. Applicants submitted a terminal disclaimer on August 21, 2003 to overcome this rejection. This terminal disclaimer was accepted and recorded, as stated in the Advisory Action. Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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